

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
March 31, 2009**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Ferrante (alt. for Pesec), Klco (alt. for Troy), Morse, Schaedlich, Siegel, Smith (alt. for Sines), and Mmes. Hausch. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

MINUTES

Mr. Schaedlich said that on page 6 of the February minutes, an "e" should be added to Mr. Osborne's name. On page 11, indented paragraph, take out comma after "maximum of" and move six in front of (6).

Mr. Schaedlich moved and Mr. Smith seconded the motion to approve the February, 2009 minutes as with the above changes.

All voted "Aye".

FINANCIAL REPORT

Mr. Boyd said that the final budget for 2009 was received from the Commissioners and all line items were reduced by at least 5%. Salaries are in place to keep staff at the current level. The salary line item reflects Mr. Webster's retirement payout.

Ms. Truesdell explained the \$108.00 adjustment was a chargeback from printing posters for the Stormwater Department.

Mr. Brotzman moved for approval of the February, 2009 Financial Report and Ms. Hausch seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Mr. Eric Condon, Assistant Lake County Prosecutor, said there was no legal report.

DIRECTOR'S REPORT

Mr. Boyd said the Lake County Commissioners adopted the subdivision regulations at the public hearing on Thursday, March 26. There was no comment from the public. He asked the Board to review an organizational proposal for the Land Use and Zoning Committee. A complete report was included in the packet.

ANNOUNCEMENTS

Mr. Boyd said the next Northeast Ohio Planning and Zoning Workshop will be held at Holiday Inn LaMalfa on Friday June 5, 2009.

SUBDIVISION REVIEW

Concord Township – Mountainside Farms, Phase 3B, Resubmitted Final Plat, 6 Lots

Mr. Radachy said this plat was originally approved in July, 2005 and will dedicate Butler Hill Drive from Mountainside Farms Phase 2 to Mountaintop Estates. They wish to record Phase 3B before 3A and could not plat a stub street even though the road was there. They were required to build a temporary cul-de-sac or resubmit the plat with the road dedicated to the County. The developer wants to dedicate all of Butler Hill Drive. Staff is recommending approval with two stipulations and no comments on the final plat.

FINAL PLAT STIPULATIONS:

1. The names of the Concord Board of Trustees are not printed legibly below the signature lines. *Article III Section 6 (D)(1)(c)*
2. The improvements for Mountainside Phase 3A that are guaranteed by the combined maintenance surety accepted by the Board of Lake County Commissioners on October 25, 2007 that will now be platted as part of Mountainside Farms Phase 3B will be required to be reviewed and possibly revised to insure that those improvements are properly referenced and protected.

OTHER COMMENTS:

1. No Concerns on the resubmitted plat. *Concord Twp.*
2. No deficiencies or concerns. *L. C. Utilities*
3. We have no concern's regarding this plat. *L. C. Engineer*

4. Fire flows must meet the ISO minimum requirements for size, type, and spacing for structures built. *Concord Twp. Fire Dept.*
5. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept*
6. Spacing of fire hydrants will be determined by the Concord Township Fire Department and based on a case by case review. *Concord Twp. Fire Dept*
7. Building numbers must be provided and installed prior to occupancy of any structure. *Concord Twp. Fire Dept*
8. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept*
9. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
10. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *Concord Twp. Fire Dept.*
11. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
12. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
13. Subdivisions with a total of more than 50 lots are required to have 2 means of access for safety purposes. (50 lots is the total for all phases or potential phases of the project.) *Concord Twp. Fire Dept.*
14. Concord Township Fire Department will NOT approve "Stub Streets" of any length. Temporary or permanent cul-de-sacs must be provided with a minimum diameter of 120'. *Concord Twp. Fire Dept.*
15. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*
16. Concord Township Fire Department will require a street "name change" if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*

Staff Recommendation:

Approval with one stipulation.

Mr. Radachy said the second stipulation was added because the subdivision was approved in phases, with two different maintenance bonds. The improvement plans are accepted by the Commissioners as 3A and 3B and they correspond to the plat. The Commissioners may have to change their resolution to reference the road they accepted as 3A and will now be 3B. The money is there but the dollar amount references may need to be adjusted in the resolution.

Mr. Schaedlich moved and Mr. Brotzman seconded the motion to approve

Mountainside Farms, Phase 3B, resubmitted final plat, with 6 Lots in Concord Township.

All voted "Aye".

Concord Township - Orchard Springs, Phase 1, Final Plat and Improvement Plans, 23 Lots

Mr. Radachy said that a change has been made in the posting of stipulations and comments. Only the stipulations which can be enforced by the Subdivision Regulations will be listed as such. Other agencies will be listed as comments in the packet. They will enforce their own rules and sign off when they review the plat. The Planning Commission and County Prosecutor are the final agencies to approve the plat prior to the Commissioners' final approval.

Mr. Radachy said Orchard Springs is zoned Residential Conservation District (RCD) with 1.7 acres of right-of-way, 7 acres in lots and the rest in open space. The preliminary was approved in December, 2008. It is located at the end of Orchard Road north of Colburn Road, east of Route 44 and west of Timberlane. The open space contains an unnamed tributary to Ellison Creek. The first issue is that the improvement plans and the final plat do not match. The line designates the edge of the subdivision and the edge of the right-of-way. The improvement plans do not show the full intersection bringing part of the road into the unsubdivided area. The right-of-way does not show this. There is also a water line that is not shown on the grading plan. Concord's requirement of a 30-foot rear line setback cannot be met on subplot 23 with the current road layout.

Mr. Radachy said the developer is proposing an easement to the gas well itself, but there is no easement to the tank or the separator which is also on subplot 13. If they need access to this equipment they are going to need an easement. The separator is on the line between sublots 12 and 13. The well is on the plat with an easement to Victor Drive. Ohio Department of Natural Resources said that when they locate wells, they locate them 100 feet away from existing houses and existing rights-of way. ODNR does not regulate new structures with regards to existing wells. Mr. Radachy stated that he spoke to ODNR in December and they said it was a zoning issue.

Mr. Boyd said that staff was concerned about access to the equipment through an easement.

Mr. Radachy said the well was drilled between September and October of 2008.

FINAL PLAT STIPULATIONS:

1. The improvement plans shall conform to the final plat. The improvement plans show road improvements and waterline improvements in the area marked as future phase. These improvements shall be in the right-of-way or removed from the phase. If the right-of-way is extended into the future phase to include the improvements, it shall be considered a stub street. *Article III Section 4 (A)*
2. The Storm Sewer Easement between sublots nine and ten shall be a drainage easement to Concord Township. Language shall be on the cover sheet. *Article III Section 6(D) (1)(e) & D(3)(k)*

- a. The plat references 'drainage easements' & 'storm water easements' which are not labeled on plat. Easements labeled 'storm sewer easement' should be granted to Concord Township. Easement labeled 'storm drainage easements' should be granted to the HOA.
L. C. Engineer
3. The Storm Drainage Easement in the open space shall be a local service drainage easement. Easement language shall be included on the final plat. *Article III Section 6 D(1)(h) and D(3)(i)*
 - a. The plat references 'drainage easements' & 'storm water easements' which are not labeled on plat. Easements labeled 'storm sewer easement' should be granted to Concord Township. Easement labeled 'storm drainage easements' should be granted to the HOA.
L. C. Engineer
4. In order for the waterline easement to be dedicated between the subdivision border and Colburn Road, the Harmons and Scotts need to sign the plat or dedicate an easement by deed and legal description. If dedicated by deed and legal description, the record number shall be included on the plat. *Lake County Planning Commission*
5. Give Open Space "A" a title and acreage on page 3 of the plat. *Article III Section 6 D(3)(f)*
 - a. Please note the open space areas on page 3 of the plat. *Concord Twp.*
6. All sublots shall conform to zoning resolutions of the applicable township. *Article III Section 6(D)(3)(f)*
 - a. Sublot 23 has been added to Phase I but does not include Victor Drive being improved or dedicated in front of this lot until Phase II. Since the required yards are based upon the right-of-way on which the lot fronts and where the house faces, the Township recommends extending the Victor Drive right-of-way in front of s/l 23 during the first phase and creating a temporary cul-de-sac. (The house on subplot 23 must face Victor Drive in order to comply with the rear yard setback requirements in Section 16.25D.)
Concord Twp.
 - b. The applicant shall provide a copy of the final form of covenants, deed restrictions, and /or by-laws associated with the development for review by the Township's Legal Advisor, in accordance with Section 16.29C of the Concord Township Zoning Resolution. *Concord Twp.*
7. Ownership of adjacent lots of record shall be shown with record number. *Article III Section 6(D)(3)(m)*
8. Accurate outlines of any areas are to be dedicated or temporarily reserved for public use with the purpose indicated thereon. There is language for a storm water easement, temporary cul-de-sac and landscape easements on the cover sheet, but none are shown on the plat and there is a sidewalk easement depicted on the plat without any language stating who will own the easement and who will maintain the sidewalks on the cover sheet. *Article III Section 6(D)(3)(h)*
 - a. Language for landscape easements is referenced on the cover sheet, however they are not designated on the plat or improvement plans. Are these for the cul-de-sac islands? Clarify location of such easements on the plat/improvement plans. *Concord Twp.*
 - b. The fourth paragraph of the acceptance and dedication language grants a "60' radius temporary cul-de-sac easement..." at an unspecified location. The plat graphic does not show a temporary cul-de-sac. I'll assume this to be a remnant from a cut & paste. *C. E. I.*
 - c. Who will maintain the sidewalk easement? The Township does not want responsibility.
Concord Twp.

9. Whenever any stream or important surface drainage course is located within the area being subdivided, the subdivider shall provide a permanent easement dedicated to the proper authority for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage or public use. The unnamed tributary to Ellison Creek flowing northwest in the Open Space "A" from parcel number 8A-12G-5 to Cambden Creek Estates Phase 1 shall have an Storm Water Easement dedicated to the Commissioners administered by the Lake County Stormwater Management Department. This easement area will be based on the Riparian Setback shown on the improvement plans as determined by the Lake County Subdivision Regulations. There shall be an access easement provided for this Storm Water Easement. *Article IV Section 3(C)*
10. Names of new streets shall not duplicate the names of existing streets of record in Lake County. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets. *Article IV Section 2(H)*
11. The Gas Well Access easement shall cover the separator and tanks which are also located on subplot 13. *Lake County Planning Commission*
 - a. Who will be granted the Gas Well Access Easement? *L. C. Engineer*
 - b. The gas well access easement on subplot 13 does not extend to the tanks or separator as currently depicted on the improvement plans. Will the tanks and separator be moved? If so, provide new location. Otherwise, how will the tanks be accessed if they are to remain in their present location? The maintenance and access of such easement area shall be specified on the Acceptance and Dedication page of the plat. *Concord Twp.*
12. Driveway access for subplot 22 shall be limited to Orchard Road until Victor Drive is improved and dedicated. *Lake County Planning Commission and Concord Twp.*

FINAL PLAT COMMENTS:

1. There have been changes to the sublots between preliminary plan and the final plat.
 - a. Preliminary Plan: A map of a proposed subdivision prepared by a registered surveyor, engineer or architect submitted to the Planning Commission for its review and comment in accordance with these regulations, which may include other explanatory exhibits and text. Said preliminary plan, if accepted by the Planning Commission, shall provide the basis for proceeding with the preparation of the final plat of the proposed subdivision. *Article II*
 - b. The preliminary improvement plans shall be based on the preliminary plan. *Article III Section 4(A)*
 - c. The preliminary plan must first be approved by the Planning Commission. *Article III Section 6(A)(1)*

OTHER COMMENTS:

1. Need copy of easement for sanitary sewer in Cambden Creek to verify proper location. *L. C. Utilities*
2. The utility easement grant lists among the Grantees "...and any other communication entities franchised to serve the community...". As it stands this is unacceptable. *C. E. I.*
3. Show extended riparian boundary on plat and include grantee. *L. C. Engineer*
4. Extend Riparian Easement to wetland boundary. *L. C. Engineer*

IMPROVEMENT PLANS STIPULATIONS:

1. Until plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Article I Section 4(B)*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Article IV Section 3(E), Article IV Section 3(F), Article V Section 4(A), Article V Section 4(B), Article V Section 4(C)*
 - a. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. The improvement plans shall conform to the final plat. The improvement plans show road improvements and waterline improvements in the area marked as future phase. These improvements shall be in the right-of-way or removed from the phase. If the right-of-way is extended into the future phase to include the improvements, it shall be considered a stub street. *Article III Section 4 (A)*
5. Hydrants shall also be required at the entrance and end of all cul-de-sacs four hundred (400) feet in length or longer. Move the fire hydrant from the southeast corner of the intersection of Victor Dr. and Orchard Road to the southwest corner of these two roads. *Article V Section 11*
6. Sidewalk cross section shall be provided. *Article III Section 4(D)(1)(p)*
7. There shall be a turnaround provided at the closed end of the road having an outside pavement diameter of at least one hundred (100) feet and a street property line of at least one hundred ten (110) feet; cul-de-sacs shall make provision for fire truck and snow plow truck turning, and school bus turning if necessary, and may be larger, up to one hundred twenty (120) feet outside pavement diameter, as conditions warrant, upon recommendation of the township trustees. In such case this property line diameter shall be one hundred thirty (130) feet. *Article IV Section 2(A)(9)*
 - a. The design of cul-de-sac islands shall comply with Concord Township Resolution 2004-05: Design Standards for Permanent Cul-de-sacs. *Concord Twp.*
8. The unnamed stream flowing north from Colburn Road to the unnamed tributary of Ellison Creek shall show a 25' setback required by the Lake County Subdivision Regulations. *Article IV Section 3(D)*

9. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site. *LCSWCD, Article III Section 4(D)(1)(p)*
10. Distinguish the wetlands shown on the Improvement Plan with corresponding acreages per the affirmed wetland delineation map. Also list the type of stream resource (i.e. perennial, intermittent or ephemeral) for each stream located within the project boundaries. *LCSWCD, Article III Section 4(D)(1)(p)*
11. Riparian setbacks shall be shown for all streams located within the project boundaries. Some stream segments within Open Space 'A' are not shown with riparian setbacks. *Article IV Section 3(D)*
12. Wetland areas shown within roadways, utility easements, storm water facilities or outlet structures and proposed sublots are shown as how they will be impacted. Acreage of impact for each wetland is shown, however; the corresponding U.S. Army Corps of Engineers or Ohio EPA permit authority needs to be listed on the plan. *LCSWCD, Article III Section 4(D)(1)(p)*
13. National Pollutant Discharge Elimination System (NPDES) rules require storm water discharges to receive treatment through post-construction water quality best management practices prior to discharge into wetlands and/or streams. The storm sewer system for the Victor Drive cul-de-sac area appears not to contain a post-construction storm water quality practice prior to discharge to the unnamed tributary to Ellison Creek or its adjacent wetlands. A post-construction best management practice should be designed for this area. *LCSWCD, Article III Section 4(D)(1)(p)*

IMPROVEMENT PLANS COMMENTS:

OTHER COMMENTS:

1. Pavement typical section shall be based on ODOT's Location and Design Manual and Pavement Design Manual. *L. C. Engineer*
2. Access to the detention basin and perimeter of basin is required. *L. C. Engineer*
3. Indicate 100 year floodplain on unnamed tributary to Ellison Creek. *L. C. Engineer*
4. Show all locations and quantities of premium fill in zone of influence of pavements. *L. C. Engineer*
5. Pavement typical section shall be based on ODOT's Location and Design Manual and Pavement Design Manual. *L. C. Engineer*
6. A bond for construction estimate line item must be provided to protect the haul road. *L. C. Engineer*
7. Construction sequence shall reference timeline for installing water quality features to basin. *L. C. Engineer*
8. Stormceptor application must be approved by OEPA and relocated within ROW. *L. C. Engineer*
9. Final approval could be forthcoming when detailed construction plans are submitted to the

Lake County Department of Utilities for final review and comment. *L. C. Utilities*

10. Potable water to be furnished by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *L. C. Utilities*
11. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the Building Official inspects the building or structure and finds no violations of the provisions of the 2006 Residential Code of Ohio for One, Two and Three – Family Dwellings, or other laws that are enforced by the Lake County Building Department. No building or structures shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy. *L. C. Building Department*
12. Existing conditions of Orchard Drive between Girdled Road and project site should be televised prior to construction. Damages occurring during construction of this project should be repaired prior to acceptance of construction. Recommend additional bonding be required to cover cost of potential damages to existing Orchard Drive. *Concord Service Dept.*
13. Recommend that "minimum" pavement thickness be identified and shown on the plans. Hopefully the attached minimum standards will be approved at the next Township Trustee meeting to be held April 1, 2009. *Concord Service Dept.*
14. The position of the existing gas well on subplot 13 is of concern. Are there any requirements for separation between gas wells and new residential structures? *Concord Service Dept.*
15. Recommend that all utilities, manholes, culverts, and catch basins installed under the proposed roadway or within a 1 to 1 zone of influence line of the road be backfilled with LSM concrete backfill to prevent trench settlement damage to final pavement surface. *Concord Service Dept.*
16. Recommend that all dead or critically damaged trees within right of way or along edges of open spaces be removed by the developer prior to acceptance of the subdivision. *Concord Service Dept.*
17. Recommend that construction of retention basin and related storm drainage features be constructed during the early stages of the subdivision construction. *Concord Service Dept.*
18. Fire flows must meet the ISO minimum requirements for size, type, and spacing for structures built. *Concord Twp. Fire Dept.*
19. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
20. Spacing of fire hydrants will be determined by the Concord Township Fire Department and based on a case by case review. *Concord Twp. Fire Dept.*
21. Building numbers must be provided and installed prior to occupancy of any structure. *Concord Twp. Fire Dept.*
22. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and

installed prior to the start of construction of any structure. *Concord Twp. Fire Dept.*

23. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
24. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *Concord Twp. Fire Dept.*
25. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
26. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations, and future installations. *Concord Twp. Fire Dept.*
27. Subdivisions with a total of more than 50 lots are required to have 2 means of access for safety purposes. (50 lots is the total for all phases or potential phases of the project.) *Concord Twp. Fire Dept.*
28. Concord Township Fire Department will NOT approve "Stub Streets" of any length. Temporary or permanent cul-de-sacs must be provided with a minimum diameter of 120'. *Concord Twp. Fire Dept.*
29. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. *Concord Twp. Fire Dept.*
30. All contractors are to be instructed NOT to park on the hydrant side of street or in cul-de-sacs during any construction. *Concord Twp. Fire Dept.*

STAFF RECOMMENDATION

Recommend approval with 12 stipulations and one comment on the final plat and 13 stipulations and comments on the improvement plans.

Mr. Radachy said the Stormwater Department would like an access easement along the stream and an access easement through the subdivision to the stream so they can maintain the stream if necessary. This stream is considered a regional stream, taking water from one point in the township to another. The improvement plans do not show the 25-foot riparian setback per our Subdivision Regulations. Even though it does not really affect homes, it needs to be shown on the improvement plans.

Mr. Adams moved and Mr. Morse seconded the motion to approve Orchard Springs Subdivision Phase 1, final plat and improvement plans with 23 lots in Concord Township.

All voted "Aye".

Subdivision Activity Report

Mr. Radachy discussed the new policy of having the responding agencies state if the subdivision meets their regulations and, if not, state their deficiency and then state their concerns.

Mr. Boyd said that agencies were marking "disapprove" on the old comment sheets even though they met our subdivision regulations. We were giving conceptual authority to

agencies that did not have that authority over the subdivision regulations. All comments and stipulations are still there, however, we took off their capacity to approve or disapprove. It is this board's job to approve or disapprove.

Members preferred the master summary sheet showing which agencies responded.

Mr. Radachy said Quail Hollow 10 and 11 received extensions in 2007 and 2008. So their expirations have expired and they need to resubmit their preliminary plans if they wish to continue. A letter was sent to the developer in February indicating the pending expiration.

Mr. Condon suggested that staff send out warning letters prior to expiration.

LAND USE AND ZONING REVIEW

There were no Land Use and Zoning cases submitted.

REPORTS OF SPECIAL COMMITTEES

There were no reports of special committees.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Subdivision Regulations Update

Mr. Boyd requested a motion to adopt changes to Articles III, IV and V of the Subdivision Regulations. The Commissioners held a Public Hearing on March 26th and voted to approve the Regulations.

Mr. Schaedlich moved and Mr. Adams seconded the motion to adopt Articles III, IV and V of the Subdivision Regulations.

All voted "Aye".

Land Use and Zoning Committee - Appointment for Leroy Township

Mr. Boyd said Mr. Jeff Kenyon of Leroy was appointed as a new member of the Land Use and Zoning Committee.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Schaedlich moved and Mr. Adams seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 7:37 p.m.